



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Patent Application of:)  
**PATENT NO. 5,842,685** for )  
**PURVIS ET AL.** ) Examiner: **A. CHOP**  
 )  
Serial No. **09/703,277** ) Art Unit: **3628**  
 )  
Filing Date: **OCTOBER 31, 2000** )  
 )  
For: **TEMPORARY GUARDRAIL SYSTEM** ) Attorney Docket No.:  
 ) **24104A**

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**PETITION UNDER 37 C.F.R. § 1.47 FOR JOINT INVENTOR  
REFUSING TO JOIN IN THE APPLICATION**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Please enter the Petition Under 37 C.F.R. §1.47 For Joint Inventor Refusing To Join In The Application set out below.

Applicants hereby petition to name Mr. Tony R. Matthews as a joint inventor for the above-referenced patent application although he refuses to join in the patent application. Attached hereto is a statement from Mr. Harrison G. Purvis, one of the joint inventors and the assignee of the above-referenced patent application establishing the pertinent facts regarding the refusal of Mr. Tony R. Matthews to join in the above-referenced patent application.

Further enclosed herewith is a Declaration signed by the available joint inventors with Mr. Tony R. Matthews' signature block being left empty. The Declaration is being submitted to establish that the available joint inventors make the declaration on their own behalf and on behalf of Mr. Matthews according to MPEP § 409.03(a).

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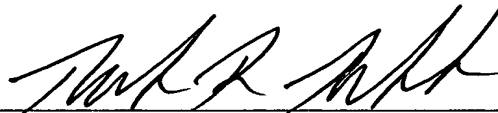
Serial No. **09/703,277**

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If any additional extension and/or fee is required,  
authorization is given to charge Deposit Account No. **01-0484**.

Respectfully submitted,



MARK R. MALEK

Reg. No. 46,894

Allen, Dyer, Doppelt, Milbrath  
& Gilchrist, P.A.

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Orlando, Florida 32802

407/841-2330

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being  
deposited with the United States Postal Service as first class  
mail in an envelope addressed to: ASSISTANT COMMISSIONER FOR  
PATENTS, WASHINGTON, D.C. 20231, on this 10<sup>TH</sup> day of September,  
2001.



DIANE BAKER



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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**STATEMENT OF FACTS SUPPORTING  
PETITION UNDER 37 C.F.R. § 1.47**

Assistant Commissioner for Patents  
Washington, DC 20231

I, **HARRISON G. PURVIS**, declare as follows:

1. I am one of joint inventors, sole assignee and owner of the above-referenced patent application.
2. The above-referenced patent application is a Reissue Patent Application for U.S. Patent No. 5,843,655. This reissue application includes method claims from U.S. Patent Application Serial No. 08/963,481 (the '481 application), now abandoned which was a divisional of U.S. Patent No. 5,683,074 (the '074 patent). Mr. Tony R. Matthews signed the original declaration and power of attorney on July 2, 1996 (see Exhibit A).
3. Mr. Matthews signed the original assignment to me on March 15, 1995 (see Exhibit B).
4. On August 14, 2001, I forwarded a package via Federal Express containing a draft of the above-referenced reissue patent application and supporting documents, e.g.,

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**PURVIS ET AL.**

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Filed: **October 31, 2000**

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Declaration and Power of Attorney, to joint inventor Tony R. Matthews.

5. Mr. Matthews called me on August 16, 2001, confirming receipt of the package. During our conversation, Mr. Matthews informed me that he would sign the documents and forward them to me. I never received the documents.

6. On August 31, 2001, I forwarded another package via Federal Express containing a draft of the above-referenced reissue patent application and supporting documents, e.g., Declaration and Power of Attorney, to joint inventor Tony R. Matthews.

7. On September 6, 2001, Mr. Matthews again called me to confirm receipt of the package. Mr. Matthews then informed me that he would not sign the documents until he consulted with someone who I assumed to be located at the prison where he is currently confined.

8. Mr. Matthews has yet to forward the executed documents to me. I have no reason to believe that he will forward the executed documents to me. Mr. Matthews refuses to join as a joint inventor in the above-referenced reissue patent application.

9. It is my understanding that Mr. Matthews is currently being detained at the Rutherford Correctional Facility in Spindale, NC. It is further my understanding that

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Mr. Matthews cannot receive incoming telephone calls at the correctional facility.

10. Records indicate that Tony R. Matthews last known home address is:

Rutherford Correctional Facility  
910 Ledbetter Road  
Spindale, NC 28160

11. I now request, as one of the joint inventors and the assignee of record, that this application be considered and examined by the United States Patent and Trademark Office.

12. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

9/10/01  
Date

  
HARRISON G. PURVIS